

D-13

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

December 11, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

OAHU

Amendment of Grant of Term, Non-Exclusive Easement S-5703 to Asanoma Family Trust for Seawall and Landscaping Purposes, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-058:seaward of 041.

BACKGROUND:

On August 23, 2002, the Board authorized the issuance of a 55-year non-exclusive easement for seawall and landscaping purposes to Asanoma Family Trust and the easement document (GL 5703) was executed on October 29, 2004.


During the process of selling the abutting private property, the grantee notes that the interest under GL 5703 does not run with his property. Staff notes that such provision will allow the transfer the easement to the successor owners without any Board action. Further, such provision is a standard condition for the current shoreline encroachment easement. By a letter dated November 20, 2009, the grantee requests GL 5703 be amended to include a condition, which allows the easement to run with the abutting property.

Staff has no objection to the request since it is consistent with other similar easement disposition. There are no other pertinent issues and concerns.

RECOMMENDATION: That the Board authorize the amendment of grant of non-exclusive easement S-5703 by adding a condition which allow such easement run with the abutting private property, identified as tax map key (1) 4-5-058:041, and further subject to the following:

- A. Review and approval by the Department of the Attorney General; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
Launa H. Thielen, Chairperson

ITEM D-13